

REMARKS

Claims 1-10 and 12-20 were pending in the present application. Claims 5 and 17 are canceled herein and claim 11 was previously cancelled. Claims 1-3, 6, 7 and 13-15 are amended, and claims 21 and 22 are added herein. Accordingly, claims 1-4, 6-10, 12-16, and 18-22 are currently pending. No new matter has been added. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

Claims 1-10 and 12-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. However the independent claim 1 has been amended such that the basis for this rejection has been removed.

Claim 1-10, 19 and 20 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Haumont (U.S. Patent Publication No. 2003/0027544 hereinafter "Haumont") in view of Alloune, *et al.*, (U.S. Patent No. 6,615,034 hereinafter "Alloune") and in further view of Cushnie (Evolution of Charging and Billing Models for GSM and Future Mobile Internet Services, hereinafter "Cushnie") and Office Notice. However, the single independent method claim 1 has been clarified such that its limitations clearly define over all of the references whether considered singly or in combination. More specifically, it is now clear that the data count of the SGSN includes both free data bits and billable data bits, whereas the GGSN data count only includes billable data bits.

It is also clear that the device of the Haumont reference provides only one data count that includes both free data and billable data. Thus, Haumont operates the same on the prior art device discussed in the Present Application at the paragraph bridging pages 7 and 8. That is, the volume limit threshold of Haumont is for both chargeable and free data bits. There simply is no volume limit threshold or data counting of only billable data as required by the present claim 1.

That is there is only a total or combined threshold of data bits, and only a count of all the data bits.

However, Haumont does allow the further transmittal of free or non-billable data after the volume threshold limit has been reached. Of course, this is not the same method required by the claim. Haumont simply does not provide a method of *content-based billing* to a wireless prepared subscriber, much less a method that makes obvious the required steps of the present claims. Further, the present claim requires transmitting the accumulate billing data count which comprises only the first type of data from its OGSN to the SGSN if the accumulated billable data count of the *first type of data* reaches the volume threshold limit. The Examiner alleges Haumont teaches this limitation. However, applicant respectfully disagrees. Haumont teaches transmitting a total data count that comprises both free and billable data, not just the billable data. In addition the claim requires that the accumulated billable data count be transmitted from GGSN to the first SGSN. There is simply no such teaching whatsoever in Haumont.

The Examiner acknowledges that Haumont does not teach accumulating a billable data count. Therefore, Haumont does not teach accumulating a billable data count of the GGSN comprised only of a first type of data, and accumulating a total data count comprised of both a first and a second type of data at the SGSN.

The Examiner then tries to correct this shortcoming with the Alloune reference because Alloune teaches a communication billing system that "provide interrelated processing of wireless service events" such that modification of Haumont would be obvious, since to bill a customer for the different events a company would have to accumulate the various units into a billable data count, and that it was know to forward information from one node to another.

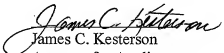
It is respectfully submitted that the accuracy or inaccuracy of this statement is completely irrelevant. The present claims are method claims that require specific steps. The fact that there may be other ways of providing content-based billing does not make the unique and efficient method of the present invention obvious. Alloune, no more teaches the unique combination of steps for providing content-based billing required by the present invention than does the Haumont reference. Likewise, Cushnie discusses various charging and billing models for Mobile Internet Service, but certainly does not teach the unique combination of steps required by the present claim. It is submitted therefore that the applied references whether considered singly or in combination do not render the present claim unpatentable.

In view of the above, Applicant respectfully submits that this response complies with 37 C.F.R. § 1.116. Applicant further submits that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicant's Attorney, James C. Kesterson, at 972-732-1001. The Commissioner is hereby authorized to charge any fees due in connection with this filing, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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